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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/705,403

**Applicant(s)**

MIZUTANI ET AL.

**Examiner**

Karin M. Reichle

**Art Unit**

3761

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 9, 10, 14 and 19-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 9, 10, 14 and 19-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. The specification filed 3-14-06, the claims and the remarks filed 4-30-09 will be considered for the following action on the merits. Therefore, see paragraphs 3-4 infra.

### *Specification*

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

For Example:

### *Description*

3. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: the abstract, the first sentence, page 22, lines 13-16.

4. The disclosure is objected to because of the following informalities: The specification is still replete with informalities. For example: 1) The Summary of the Invention section, i.e. **a description of the claimed invention**, not the detailed description of the invention, regardless of length, and the invention of the claims are still not commensurate in scope, see MPEP 608.01(d). It is noted the extraneous descriptive matter in the Summary should be included in the Detailed

Description instead, if not already. 2) On page 4, line 13, the numeral in parenthesis should be deleted. This also applies to page 13, lines 14, 23 and 31. 3) On page 17, line 17 from the bottom line, "3" still should be --3(A)-(B)--. 4) A main body which comprises an elongated convex area formed in the longitudinal direction of the surface sheet so that the substantial center area of the mainsheet body is formed convex in the lateral direction is claimed in claim 1 on lines 18-20 and similarly claimed in claim 14. Such description requires the mainsheet body form such convex area. On lines 22-23 of claim 1 it is further described that at least an end of the convex area forms a first finger insertion opening. While, e.g., page 6, paragraphs 3-5 of the 3-14-06 specification and page 7, lines 17-page 8, line 4, and page 22, line 3-page 23, line 14 and Figures 1-4 of the originally filed specification describe that the finger insertion opening is formed between unbonded portions of a convex area defined by the center area of the main sheet body and the sub-sheet body, i.e. not by a convex portion of surface sheet, the third full paragraph of the 3-24-08 specification and the originally filed specification at page 4, lines 6-9 describe such a main body which comprises an elongated convex area formed in the longitudinal direction of the surface sheet so that the substantial center area of the surface sheet is formed convex in the lateral direction. Therefore, at the very least, the description of the convex portion and the opening defined thereby is not clear and consistent throughout the application. If such opening is formed between the bodies as already described, a complete, clear, consistent description of the invention should be set forth throughout the application. The specification should be carefully reviewed and revised, as necessary, to overcome all the informalities. Applicant is thanked in advance for the continuing cooperation in placing the specification in proper form. 5) At the very least, see also the discussion in paragraph 6 *infra*, the description of

the invention is unclear/inconsistent throughout the application, i.e. the description of the invention in new claims 19-32 and the description as originally filed and/or filed 3-14-06. For example, see claim 25, i.e. “the main sheet body, the sub-sheet body and the mini-sheet body each include at least one of a water soluble bond, a water expandable bond, a heat seal or a hydrogen bond”. While page 30, fifth full paragraph of the 3-16-06 specification sets forth “As the applicable bonding, bonding by polyvinyl alcohol with water solubility or water dilatation characteristic, heat sealing, hydrogen bonding, etc. may be used alone or combined to be used as a bonding method” (emphasis added) and page 24, first full paragraph, esp. the last sentence thereof, and page 28 second and third full paragraphs set forth examples of bonding or bonding methods to form webs, this does not appear to be the same as what is now claimed.

Appropriate correction is required.

5. The amendment filed 3-14-06 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: referring to the marked-up specification, the amendments to pages 4, 6-8, 10, 12-15.

Applicant is required to cancel the new matter in the reply to this Office Action.

The amendments on those pages remove referral to a particular embodiment, i.e. (1), A interlabial pad according to (1), (3)...according to (1) or (2), (4)...according to (3), so that the combinations described originally in the Summary are no longer described in that section in the same scope. For example, the bonding set forth in the third full paragraph of page 4 is no longer described as being in combination with the pad as set forth in the third full paragraph of page 3

but rather just “an interlabial pad”. If Applicant maintains such language the portion of the original specification which provides support for each of the combinations of the same scope as now described in a single embodiment should be set forth.

***Claim Rejections - 35 USC § 112***

6. Claims 19-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. New claims 19-21 and 25 set forth the main sheet body, the sub-sheet body and the mini-sheet piece each have at least one of the properties of being biodegradable, water dispersible or water soluble. New claims 20 and 22 additionally require the main sheet body, the sub-sheet body and the mini-sheet piece each have a composition including at least one of a natural fiber or a chemical fiber and claim 21 also requires the at least one natural fiber or chemical fiber has a fiber length of 2 to 51 mm while claim 22 additionally requires a **fiber** length of 2 to 10 mm. Claims 21 and 23 additionally sets forth sets forth the main sheet body, the sub-sheet body and the mini-sheet piece each have a composition including at least one of rayon or wood pulp. Claim 24 requires the main sheet body, the sub-sheet body and the mini-sheet piece each include **at least one water permeable material in which a plurality of pores** are provided. Claim 25 also requires the main sheet body, the sub-sheet body and the mini-sheet body each include at least one of a water soluble bond, a water expandable bond, a heat seal or a hydrogen bond. Claims 26-32 are similar to claims 19-25 but also claim the wrapping container

of claim 14 also having such compositions/properties/dimensions. Applicant relies upon certain portions of the 3-14-06 specification. However, while such portions, as well as other portions of such specification, see, e.g., page 23, seventh line from the bottom-page 30, sixth line from the bottom, esp. those discussed in 5) of paragraph 4 supra and the last full paragraph of page 28, set forth the interlabial pad and wrapping each have at least one of the properties of being biodegradable, water dispersible or water soluble, "the fiber as a permeable material" have a composition including at least one of a natural fiber or a chemical fiber including at least one of rayon or wood pulp, the fabric length of 2 to 51 mm or more preferably a **fabric** length of 2 to 10 mm, the main sheet body and the sub-sheet body including water permeable sheets and a plurality of pores provided on the permeable material and bonding methods to form webs including at least one of a water soluble polyvinyl alcohol bond, a water expandable polyvinyl alcohol bond, a heat seal or a hydrogen bond, this is not what is claimed. The determination of support for the claimed invention is exacerbated by the lack of a clear/consistent description as set forth supra, e.g., in paragraph 4. If Applicant maintains such claim language, the portion of the originally filed specification which provides support commensurate in scope for the combination set forth in each of claims in a single embodiment should be set forth.

#### ***Claim Language Interpretation***

7. The claim terminology is interpreted in light of the specific definitions on page 5, lines 10-11, the sentence bridging pages 6-7 and bridging pages 27-28 of the 3-14-09 specification. Any other claim language not specifically defined has been interpreted in view of the usual and common meaning of such, i.e. the dictionary definition. It is noted that the terminology

“bonded” without any modifying terminology includes indirect bonding or direct bonding. It is noted that the terminology “mini” in claims 1 and 14 has not been claimed with respect to any other structure, i.e. mini compared to what, and thereby is considered relative absent specific dimensions thereof. See also prior art rejections infra. With regard to the claims discussed in paragraph 6 supra, see MPEP 2163.06, I.

***Claim Rejections - 35 USC § 102***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 1, 10, 14, 24 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Hammons PCT ‘572.

Claim 1: See Claim Language Interpretation, hereinafter also referred to as CLI, and ‘272 at the Figures, esp., 1-2, 4-7, 36, and 45, page 4, third full paragraph, page 12, second paragraph, page 13, sixth to last line -page 14, last line, the paragraph bridging pages 16-17, page 17, last paragraph, page 18, first two paragraphs, page 19, last two paragraphs, page 20, last full paragraph, page 22, second paragraph, page 23, second and third full paragraphs, page 38, second full paragraph, and page 59, third full paragraph, i.e. ‘572 teaches an interlabial pad comprising a main sheet body 22 comprising a water permeable surface sheet facing a body side, e.g. 156 in Figure 45 and last paragraph on page 48, and a water permeable backing sheet, e.g. 122 in Figure 45, facing a garment side opposite to the body side, see Figures, the surface sheet and the backing sheet enclosing a first absorber 122 for absorbing body fluid, wherein the surface sheet and the backing sheet of the main sheet body each have longitudinal side edges at



opposite ends in the lateral direction, each of the longitudinal side edges of the surface sheet being directly bonded to one of the longitudinal side edges of the backing sheet, see Figure 45 and page 50, second full paragraph, at a respective one of the opposite ends, and a substantially planar-shaped sub-sheet body 24 comprising a water permeable surface sheet 70 facing the body side and either a water permeable or non-permeable backing sheet, impervious sheet 72, facing the garment side, the surface sheet and the backing sheet enclosing a second absorber 74 for absorbing body fluid, wherein the surface sheet and the backing sheet of the sub-sheet body each have longitudinal side edges at opposite ends in the lateral direction, each of the longitudinal side edges of the surface sheet being directly bonded to one of the longitudinal side edges of the backing sheet, see, e.g., Figures 1-2, at a respective one of the opposite ends, wherein the main sheet body comprises an elongated convex area formed along a longitudinal direction of the main sheet body, see, e.g., Figure 2, adjacent lines L, L1, so that a substantial center area of the main sheet body in a lateral direction is formed convex towards the body side, wherein the elongated convex area has a hollow part, see, e.g., Figure 2 between 22 and 24 adjacent lines L, L1, with a substantially triangular shape in a lateral cross section, and two ends in the longitudinal direction, see, e.g., Figures 4-6, at least one of the two ends forming an opening into the hollow part, see again Figures 4-6 adjacent the ends, wherein the main sheet body and the sub-sheet body each have longitudinal side edges at opposite ends in the lateral direction, e.g., the edge respective sides of L, L1 (Note the claim does not require that the main body and sub-sheet bodies also have end edges at opposite ends in the longitudinal direction which separate the longitudinal side edges), each of the longitudinal side edges of the main sheet body being directly bonded to one of the longitudinal side edges of the sub-sheet body, see, e.g., Figure 1, at a respective one of the

opposite ends, bonded at the edge on one side of L, L1 and bonded at the edge on the other side of L, L1 and see discussion of edges supra, wherein the main sheet body and the sub-sheet body are not directly bonded to each other, other than at each of the longitudinal side edges, see the first full paragraph on page 22 and the last two sentences of the second full paragraph of page 22 and note that the terminology “may also be” also infers “may also not be”. Claim 1 also requires the opening be a first finger insertion opening through which a finger is insertable into the hollow part, i.e. a function, capability or property of the opening. See not only the discussion of the structure supra but also infra, i.e. includes the claimed structure thereof. Therefore there is sufficient factual evidence for one to conclude that such opening of ‘272 also inherently includes such claimed functions, properties and capabilities, i.e. capable of having a finger inserted therein, see MPEP 2112.01. It is noted that the claim does not require the opening be an opening through which a finger is insertable parallel to the longitudinal direction of the main sheet body.

The interlabial pad further comprises a mini sheet piece fixed on the backing sheet of the sub-sheet body, facing the garment side, see, e.g., page 40, second and third full paragraphs, e.g. ‘094 incorporated thereby at the Figures, e.g. ‘094 at Figures 8A and 8E (Note the claim does not require a single piece or monolithically formed sheet) and also the paragraph bridging cols. 11-12 and col. 5, lines 1-6, and an insertion opening being formed between the backing sheet and the mini sheet piece, e.g. for receiving the crotch portion of the undergarment, wherein the mini-sheet piece has longitudinal side edges at opposite ends in the lateral direction, each of the longitudinal side edges of the mini sheet piece being bonded to one of the longitudinal side edges of the backing sheet at a respective one of the opposite ends, see again the Figures and portions of ‘094 and note that direct bonding is not required. This claim also requires the opening be a

finger insertion opening, i.e. a function, capability or property of the opening. See not only the discussion of the structure supra but also infra, i.e. includes the claimed structure. Therefore there is sufficient factual evidence for one to conclude that such opening of '272 also inherently includes such claimed functions, properties and capabilities, i.e. capable of having a finger inserted therein, see MPEP 2112.01.

Claim 10: The lateral cross sectional area of the elongated convex area continuously decreases as the area is taken from one end to the other end along the longitudinal direction, See Figures 5 and 32.

Claim 14: See discussion of claim 1. Claim 1 additionally requires the interlabial pad is contained in the wrapping container for individual wrapping. See page 23, second and third full paragraphs.

Claims 24 and 31: The main sheet body, the sub-sheet body and the mini-sheet piece or also the wrapping container each include at least one water permeable material in which a plurality of pores are provided, see '272 at the paragraph bridging pages 13-14, the first full paragraph on page 14, the last paragraph on page 20, page 23, second to last full paragraph and thereby, by incorporation, '568 at col. 10, first two full paragraphs, '272 at page 40, second and third full paragraphs, e.g. '094 incorporated thereby at col. 5, lines 25-39, the paragraph bridging cols. 10-11 and col. 8, line 10-21.

***Claim Rejections - 35 USC § 102/103***

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claim 9 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hammons et al '272.

Claim 9 requires the lateral cross sectional area of the elongated convex area be at least 1 cm<sup>2</sup>. See Figure 2, page 12, second full paragraph, page 21, last paragraph, page 16, second full paragraph Figure 45-47 and the paragraph bridging pages 49-50. Therefore, it is the Examiner's first position that at the very most '272 teaches the claimed cross-section with "sufficient specificity", see MPEP 2131.03 and, e.g., Figure 2 which shows cross-section of portion 34 alone includes is at least 4 thicknesses of absorbent, e.g. width is at least 8 mm, and is 25 mm in height, e.g. center portion alone has cross-sectional area of at least 1 cm<sup>2</sup>. In any case, see 2144.05. Therefore it is the Examiner's second position that since at the very least the claimed ranges "overlap or lie inside ranges disclosed by the prior art", *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976); *In re Woodruff*, 919 F.2d 1575, 16 USPQ2d 1934 (Fed. Cir. 1990), or the claimed ranges and prior art ranges do not overlap but are close enough that one skilled in the art would have expected them to have the same properties, *Titanium Metals Corp. of America v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985), see discussion *supra*, a *prima facie* case of obviousness exists.

***Claim Rejections - 35 USC § 103***

12. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

13. Claims 19-23, 25-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammons et al '272 in view of Brown et al '486 and Champaigne, Jr. '923.

Claims 19 and 26: These claims require the main sheet body, the sub-sheet body and the mini-sheet piece or also the wrapping container each have at least one of the properties of being biodegradable, water dispersible or water soluble. While '272 at the second to last paragraph on page 59 and the last full paragraph on page 40, and thereby '094 at col. 4, lines 45-49, set forth the desire to dispose by recycling, composting or otherwise disposing of in an environmentally compatible manner, they do not explicitly teach biodegradability, water dispersability or water solubility, i.e. properties, function or capabilities of the structure claimed, see CLI. However, see '486 at, e.g., col. 2, lines 52-54, col. 6, lines 52-57, col. 8, lines 20-38, col. 9, lines 4-7 and 63 et seq, col. 10, lines 1-53, col. 14, lines 38-40, col. 15, lines 48-50 and '923 at col. 1, line 75-col. 2, line 6 and col. 3, line 75-col. 4, line 53. Therefore, to make the main sheet body, the sub-sheet body and the mini-sheet piece or also the wrapping container each have at least one of the properties of being biodegradable, water dispersible or water soluble, see CLI supra, as taught by '486 and '923 on '272, if not already, would be obvious to one of ordinary skill in the art in view of the recognition that such would permit disposal in an environmentally compatible manner and the desire of such by '272.

Claims 20 and 27: This claim requires 1) the main sheet body, the sub-sheet body and the mini-sheet piece or also the wrapping container each have a composition including at least one of

a natural fiber or a chemical fiber, 2) wherein the at least one natural fiber or chemical fiber has a fiber length of 2 to 51 mm, and 3) wherein the main sheet body, the sub-sheet body and the mini-sheet piece each have at least one of the properties of being biodegradable, water dispersible or water soluble. With regard to 3), see the discussion of claims 19 and 26, supra. With regard to 1), see the cited portions of '923 and '486 with regard to the discussion of claims 19 and 26 and the cited portions of '272 and '094 with regard to the discussion of claims 24 and 31 supra. With regard to 2), see the discussion in paragraph 6 supra, CLI supra, the discussion of claims 19 and 26 supra and '393 at col. 4, lines 40-44. Therefore, at the very least, the prior art teaches the general conditions of the claim, as best understood, and/or disclosed, i.e. biodegradability, water dispersability or water solubility, as well as that fiber length is a result effect variable with regard to such properties, i.e. a variable which achieves a recognized result, i.e. the desired biodegradability, water dispersability or water solubility, see MPEP 2144.05. Therefore, where the general conditions of a claim are disclosed in the prior art, as here, it is not inventive to discover the optimum or workable ranges by routine experimentation, i.e. the claimed ranges of fiber length as best understood. *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233,235 (CCPA 1955).

Claims 21 and 28: The main sheet body, the sub-sheet body and the mini-sheet piece or also the wrapping container each have a composition including at least one of rayon or wood pulp, wherein the at least one of rayon or wood pulp has a fiber length of 2 to 51 mm, and wherein the main sheet body, the sub-sheet body and the mini-sheet piece each have at least one of the properties of being biodegradable, water dispersible or water soluble, see the discussion of claims 19-20 and 26-27, supra.

Claims 22 and 29: The main sheet body, the sub-sheet body and the mini-sheet piece or also the wrapping container each have a composition including at least one of a natural fiber or a chemical fiber, and wherein the at least one natural fiber or chemical fiber has a fiber length of 2 to 10 mm, see the discussion of claims 19-20 and 26-27 *supra* and note that the terminology “about” in ‘393, i.e. “about half”, allows some leeway. Therefore, at the very least, the prior art teaches the general conditions of the claim, as best understood, and/or disclosed, i.e. biodegradability, water dispersability or water solubility, as well as that fiber length is a result effect variable with regard to such properties, i.e. a variable which achieves a recognized result, i.e. the desired biodegradability, water dispersability or water solubility, see MPEP 2144.05. Therefore, where the general conditions of a claim are disclosed in the prior art, as here, it is not inventive to discover the optimum or workable ranges by routine experimentation, i.e. the claimed ranges of fiber length as best understood. *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233,235 (CCPA 1955).

Claims 23 and 30: The main sheet body, the sub-sheet body and the mini-sheet piece or also the wrapping container each have a composition including at least one of rayon or wood pulp, and wherein the at least one of rayon or wood pulp has a fiber length of 2 to 10 mm, see the discussion of claims 19-20, 22, 26-27 and 29 *supra*.

Claims 25 and 32: The main sheet body, the sub-sheet body and the mini-sheet body or also the wrapping container each include at least one of a water soluble bond, a water expandable bond, a heat seal or a hydrogen bond, and wherein the main sheet body, the sub-sheet body and the mini-sheet body each have at least one of the properties of being biodegradable, water

dispersible or water soluble, see the discussion in paragraph 4 supra and of claims 19-20, 22, 26-27 and 29 supra.

### ***Response to Arguments***

14. Applicant's remarks have been carefully considered but are either deemed moot in that the issues discussed have not been reraised or deemed not persuasive for the reasons set forth supra. Applicant's remarks on in sections I and II have been noted. Applicant's remarks with regard to the first insertion opening are narrower than the claim language and/or the teachings of Hammons, see discussion of the first insertion opening supra, i.e. "Claim 1 also requires the opening be a first finger insertion opening through which a finger is insertable into the hollow part, i.e. a function, capability or property of the opening. See not only the discussion of the structure supra but also infra, i.e. includes the claimed structure thereof. Therefore there is sufficient factual evidence for one to conclude that such opening of '272 also inherently includes such claimed functions, properties and capabilities, i.e. capable of having a finger inserted therein, see MPEP 2112.01. It is noted that the claim does not require the opening be an opening through which a finger is insertable parallel to the longitudinal direction of the main sheet body" (emphasis added) and Figures 4-6 again, i.e. opening at end through which the finger is insertable, e.g. transversely.



***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any new grounds of rejection were necessitated by the amendments to claims 1 and 14, the cancellation of pending claims and the addition of claims 19-32.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karin M. Reichle whose telephone number is (571) 272-4936. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Karin M. Reichle/  
Primary Examiner, Art Unit 3761

July 22, 2009